

**DISPOSITION:** July 8, 1944. The Wisconsin Canning Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling in compliance with the law, under the supervision of the Food and Drug Administration.

**6145. Misbranding of canned peas. U. S. v. 596 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 12466. Sample No. 67493-F.)

**LIBEL FILED:** June 1, 1944, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about July 29, 1943, by Fredonia Canned Foods, Inc., Fredonia, Wis.

**PRODUCT:** Canned peas, 596 cases, each containing 24 1-pound, 4-ounce cans, at Cleveland, Ohio.

**LABEL IN PART:** (Cans) "Waubeka Brand Early June Peas \* \* \* Packed By Fredonia Canning Co. Fredonia, Wis."

**VIOLATION CHARGED:** Misbranding, Section 403 (h) (1), the product was below standard.

**DISPOSITION:** September 14, 1944. Fredonia Canned Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**6146. Misbranding of canned peas. U. S. v. 663 Cases of Peas. Consent decree of condemnation. Product ordered released for relabeling.** (F. D. C. No. 12482. Sample No. 41481-F.)

**LIBEL FILED:** May 31, 1944, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about October 25, 1943, by the Markesan Canning Co., Markesan, Wis.

**PRODUCT:** 663 cases, each containing 24 cans, of peas at Houston, Tex.

**LABEL, IN PART:** "Atlantic Early June Peas Standard Quality \* \* \* The Great Atlantic & Pacific Tea Co. New York, NY Distributors."

**VIOLATION CHARGED:** Misbranding, Section 403 (h) (1), the product was below standard.

**DISPOSITION:** July 8, 1944. A claimant having appeared, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**6147. Misbranding of canned peas. U. S. v. 1,697 Cases of Early June Peas. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 12249. Sample No. 40039-F.)

**LIBEL FILED:** April 24, 1944, District of Minnesota.

**ALLEGED SHIPMENT:** On or about September 22, 1943, by Country Gardens, Inc., from Coleman, Wis.

**PRODUCT:** 1,697 cases, each containing 24 cans, of early June peas, at Minneapolis, Minn.

**LABEL, IN PART:** "Come Again Brand Early June Peas \* \* \* Distributed by National Tea Co. Chicago, Ill."

**VIOLATION CHARGED:** Misbranding, Section 403 (h) (1), the product was below standard.

**DISPOSITION:** July 15, 1944. Country Gardens, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**6148. Misbranding of canned peas. U. S. v. 449 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 12250. Sample No. 40043-F.)

**LIBEL FILED:** April 24, 1944, District of Minnesota.

**ALLEGED SHIPMENT:** On or about December 14, 1943, by the Chippewa Canneries, from Stanley, Wis.

**PRODUCT:** 449 cases, each containing 24 cans, of peas at St. Paul, Minn.

**LABEL, IN PART:** "Fawn \* \* \* Size 3 June Peas."

**VIOLATION CHARGED:** Misbranding, Section 403 (h) (1), the article was below standard.

**DISPOSITION:** June 15, 1944, Chippewa Canneries, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**6149. Adulteration and misbranding of sauerkraut. U. S. v 16 Cases of Sauer Kraut. Default decree of condemnation and destruction. (F. D. C. No. 12246. Sample No. 67460-F.)**

**LIBEL FILED:** April 26, 1944, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about March 17, 1944, by the Mayfair Food Products Co., from Chicago, Ill.

**PRODUCT:** 16 cases, each containing 12 1-quart jars, of sauerkraut at Cleveland, Ohio.

**LABEL, IN PART:** "Mayfair Set Sauer Kraut."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (2), in that brine had been substituted in whole or in part for sauerkraut, which the article purported to be.

Misbranding, Section 403 (k), the article contained a chemical preservative, sulfur dioxide, and failed to bear labeling stating that fact.

**DISPOSITION:** June 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6150. Adulteration and misbranding of canned sauerkraut. U. S. v. 428 Cases of Sauerkraut. Default decree of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. No. 12857. Sample No. 79281-F.)**

**LIBEL FILED:** July 3, 1944, District of Columbia.

**ALLEGED SHIPMENT:** On or about June 19, 1944, by the Kent Food Corporation, from Brooklyn, N. Y.

**PRODUCT:** 428 cases, each containing 6 No. 10 cans, of sauerkraut at Washington, D. C.

This product had a dark appearance and a bitter taste, and it contained  $\frac{4}{10}$  of 1 percent of benzoate of soda. The cans contained an excessive amount of brine. The drained weight of the sauerkraut ranged from 35.5 ounces to 77 ounces, whereas a can of the size used should have contained 80 ounces avoirdupois of drained sauerkraut.

**LABEL, IN PART:** (Cans) "Golden's No. 10 Sauerkraut \* \* \* Packed by Golden's Pickle Works, Inc. Brooklyn, N. Y.," or "Golden's \* \* \* Fancy Sauerkraut."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product was unfit for food; and, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (a), the statement " $\frac{1}{10}$  of 1% Benzoate of Soda" was false and misleading since the article contained 4 times this amount of benzoate of soda.

**DISPOSITION:** August 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park for its use only and not for sale.

**6151. Adulteration of canned mashed sweet potatoes. U. S. v. 119 Cases of Sweet Potatoes. Decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 12810. Sample Nos. 80503-F, 80504-F.)**

**LIBEL FILED:** June 26, 1944, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about January 28, 1944, by Marion T. Fannaly, Inc., from Ponchatoula, La.

**PRODUCT:** 119 cases, each containing 24 cans, of mashed sweet potatoes at St. Louis, Mo.

**LABEL, IN PART:** "C. C. Brand Mashed Sweet Potatoes \* \* \* Packed by Colonial Cannery, Inc., Independence, La."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.